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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
FRANCISCO ANTONIO PADILLA,
a/k/a Francisco Rivera Padilla,
Defendant.

No. CR 10-0893 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING STATUS DATE
FROM JANUARY 26, 2011 TO
FEBRUARY 2, 2011 AND EXCLUDING
TIME UNDER 18 U.S.C. § 3161**

The parties are scheduled to appear before this Court on January 26, 2011 at 2:30 p.m. The parties believe that a one week continuance will better enable the parties to determine how the case will proceed in the future and thus request that the status appearance be continued by one week to February 2, 2011 or to the next date convenient to the Court.

The parties also agree that the time between January 26, 2011 and February 2, 2011 (or the next court date) should be excluded under the Speedy Trial Act; the continuance is necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting such a continuance outweigh the best interests of the public and the

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STIP. & [PROPOSED] ORDER CONT. STATUS DATE, EXCL. TIME
CR 10-0893 MMC

1 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 SO STIPULATED:

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4 MELINDA HAAG
United States Attorney

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6 DATED: January 24, 2011

_____/s/_____
7 LOWELL C. POWELL
Special Assistant United States Attorney

8
9 DATED: January 24, 2011

_____/s/_____
10 SHAWN HALBERT
Attorney for FRANCISCO ANTONIO PADILLA

~~PROPOSED~~ ORDER

For the reasons stated above, the Court hereby continues the next court date in this matter from January 26, 2011 to February 2, 2011 and finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from January 26, 2011 to February 2, 2011 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: January 25, 2011



THE HONORABLE MAXINE M. CHENEY
United States District Judge